

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., et al)	
)	
Plaintiffs)	
)	
v.)	CIVIL ACTION NO. 3:04-cv-251-HSO-FKB
)	
TATE REEVES, as Governor of the)	
State of Mississippi, et al.)	
)	
Defendants)	

**JOINT STIPULATED ORDER SUSPENDING
THE SECOND MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT**

The Court has been advised that the parties have negotiated this Joint Stipulated Order Suspending the 2nd Modified Mississippi Settlement Agreement (“Suspension Order”) with input from the Court Monitor.

Whereas, the Court entered the 2nd Modified Mississippi Settlement Agreement and Reform Plan (“2nd MSA”) [Dkt. No. 712] on December 19, 2016, and the 2nd MSA became effective on January 1, 2018; and

Whereas, the parties agreed to the appointment of Public Catalyst as the Monitor of Defendants’ compliance with the 2nd MSA; and

Whereas, the parties agreed to a Rebuilding Period, and the Court entered a Rebuilding Order on June 24, 2021 [Dkt. No. 917] which suspended the 2nd MSA through April 30, 2023; and

Whereas, the parties agreed to modify the Rebuilding Order, and the Court entered a Joint Stipulated Order to Modify the Rebuilding Order on April 25, 2023 [Dkt. No. 946] which suspended the 2nd MSA through June 30, 2023; and

Whereas, it is the intent of the parties that the 2nd MSA continue to be suspended to continue to provide time for the Mississippi Department of Child Protection Services (“MDCPS”) to attain benchmarks related to key metrics; and

Whereas, having reviewed the matter and the agreement of the parties as evidenced by their signatures below, the Court finds that the agreement of the parties is well-taken and this Order should be entered.

Now, therefore, it is Ordered that:

1. MDCPS will produce raw data to the Monitor and the Plaintiffs as set forth in Exhibit “A” to this Order as follows:
 - a. By July 24, 2023, MDCPS will produce data for the period of January 1, 2023 through March 31, 2023.
 - b. By September 1, 2023, MDCPS will produce data for the period of April 1, 2023 through June 30, 2023.
 - c. By November 15, 2023, MDCPS will produce data for the period of July 1, 2023 through September 30, 2023.
2. MDCPS will initiate the following graduated caseloads for newly hired caseworkers by July 17, 2023, in Lauderdale County.
 - a. A caseload of up to a 50% capacity may be assigned during the first month following successful completion of pre-service training.
 - b. A caseload of up to a 75% capacity may be assigned during the second month following successful completion of pre-service training.
 - c. A full caseload may be assigned during the third month following successful completion of pre-service training.
3. MDCPS will provide the following to the Monitor and Plaintiffs:
 - a. Child well-being data in the same form as it was reported under the Rebuilding Order as follows:
 - i. By July 24, 2023, MDCPS will produce well-being data for the period of January 1, 2023 through March 31, 2023.
 - ii. By September 1, 2023, MDCPS will produce well-being data for the period of April 1, 2023 through June 30, 2023.
 - iii. The Monitor shall prepare a written report related to its review of the reports and verification of data submitted by Defendants under this Section 3.a. The Monitor’s report shall be submitted to the parties by November 15, 2023.
 - b. The Agency’s current Continuous Quality Improvement (“CQI”) Plan by September 1, 2023.
 - c. Family-based placement data to the Monitor and Plaintiffs in the same manner as it was reported under ¶ 2 of the Rebuilding Order.

d. Overall numbers related to Agency hires, Agency separations, and training classes as follows:

- i. By July 24, 2023, MDCPS will produce data for the period of January 1, 2023 through March 31, 2023.
- ii. By September 1, 2023, MDCPS will produce data for the period of April 1, 2023 through June 30, 2023.
- iii. By November 15, 2023, MDCPS will produce data for the period of July 1, 2023 through September 30, 2023.

4. MDCPS will measure caseloads for its frontline caseworkers during this suspension period based on the weighted standards table set forth in § 1.3.a. of the 2nd MSA.

- a. By November 1, 2023, 75% of MDCPS caseworkers will have caseloads which do not exceed the caseload standards.
- b. Defendants shall report to the Monitor and Plaintiffs on a monthly basis as to this Section 4.

5. Beginning July 17, 2023, the Monitor will undertake reviews of a random sample of ten (10) unsubstantiated maltreatment in care (“MIC”) investigations completed 30-60 days prior to the review month.

- a. The review shall assess the quality and timeliness of the investigation as well as the correlates of MIC, including a review of home studies, worker visits, services, and child health visits.
- b. The Monitor will share the review findings with MDCPS and convene regular meetings with MDCPS to discuss the Monitor’s findings.
- c. The Monitor shall prepare a written report related to its review of the unsubstantiated MIC investigations under this Section 5. The Monitor’s report shall be submitted to the parties by November 15, 2023.

6. All reporting, monitoring, and enforcement under the 2nd MSA is stayed, except as otherwise provided herein.

7. Unless otherwise provided herein or ordered by the Court, Defendants shall not be required to report to the Monitor, Plaintiffs or the Court as to any other provision of the 2nd MSA.

8. The Parties agree that Public Catalyst shall be the Monitor of Defendants’ progress towards achievement of the goals set forth herein.

9. Public Catalyst shall provide technical assistance to Defendants as set forth herein or as otherwise agreed to.

10. Plaintiffs shall not invoke the provisions of Section 11.2 of the 2nd MSA for any failure of Defendants to comply with any provision stated above before December 1, 2023. If either party invokes the provisions of Section 11.2 of the 2nd MSA beginning December 1, 2023, the parties will have sixty days to renew their pending motions and/or file new motions, the opposing party will have thirty days to respond, and the parties will jointly request an expedited hearing date.

11. The Monitor shall convene the parties periodically during the Rebuilding Period including at least once during November 2023.

12. All reporting, monitoring, and enforcement under the 2nd MSA will resume on December 1, 2023.

SO ORDERED, this the 17th day of July, 2023.

s/ Halil Suleyman Ozerdan
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED FOR ENTRY BY:

FOR THE PLAINTIFFS:

/s/ Marcia Lowry

Marcia Robinson Lowry (*pro hac vice*)
Anastasia Benedetto (*pro hac vice*)
Jonathan Borle (*pro hac vice*)
A BETTER CHILDHOOD, INC.
355 Lexington Avenue, Floor 16
New York, NY 10017
Phone: 646.808.7344
mlowry@abetterchildhood.org
abenedetto@abetterchildhood.org
jborle@abetterchildhood.org

Michael J. Bentley (MSB #102631)
BRADLEY, ARRANT, BOULT &
CUMMINGS, LLP
One Jackson Place, Suite 400
Jackson, MS 39201
Phone: 601.948.8000
mbentley@bradley.com

FOR THE DEFENDANTS:

/s/ Clint Pentecost

William Clinton Pentecost (MSB #99841)
BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, PC
One Eastover Center
100 Vision Drive, Suite 400
Jackson, MS 39211
Telephone: (601) 351-2400
Facsimile: (601) 351-2424
cpentecost@bakerdonelson.com

Douglas T. Miracle (MSB #9648)
Assistant Attorney General
OFFICE OF THE MISSISSIPPI
ATTORNEY GENERAL
P. O. Box 220
Jackson, MS 39205
doug.miracle@ago.ms.gov

EXHIBIT A

During the suspension period, MDCPS will produce raw data files to the Monitor and the Plaintiffs. MDCPS will not review, clean, or validate the data prior to producing. MDCPS will produce raw data files related to the following provisions from the 2nd MSA.

1.8.b.

2.8.a.

2.9.

4.1.

4.4.

4.6.

4.9.

4.11.

5.1.a.

5.1.b.

5.1.c.

5.1.d.

6.1.a.

6.1.d.

6.2.a.

6.3.b.1.

6.3.b.3.

6.3.d.1.

6.4.a.

7.1.